

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HOLCOMBE, et. al,

Plaintiffs

vs.

NO. 5:18-CV-00555-XR
(Consolidated cases)

UNITED STATES OF
AMERICA,

Defendant

**STIPULATION REGARDING CATEGORIZATION OF
CERTAIN DAMAGES FOR BRADEN, CORRIGAN AND
MARSHALL**

At closing, the Court inquired as to the appropriate characterization of certain financial losses that would have accrued to their surviving family members arising out of the deaths of Keith Braden, Shani and Robert Corrigan, and Karen and Robert Marshall. Dmg. Trial Tr. 3848:24-3849:1. The Plaintiffs¹ and the Defendant² have provided differing evidence on the total amount of these damages. The parties stipulate:

¹ See PEX 3101 (Braden Economic Loss Report), PEX 7037 (Corrigan Economic Loss Report), PEX 11040 (Marshall Economic Loss Report).

² See GEX 413 (Braden Economic Loss Report), GEX 470 (Corrigan Economic Loss Report), GEX 518 (Marshall Economic Loss Report). The Government stipulated to their experts amounts prior to trial. See ECF No. 576.

1. All the damages delineated in the reports referenced in Footnotes 1 and 2 herein, albeit in an amount to be determined by the Finder of Fact, are damages which are appropriately recoverable and supported by evidence and should be categorized as either Loss of Inheritance or Pecuniary Loss, however the Court sees fit.³ The parties agree not to contest the categorization of these damages in the future.

Respectfully Submitted,

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³ The Parties have laid out their respective positions regarding the proper categorization in the previously filed verdict forms. *See, e.g.*, Dkts 578, p. 146, n.147 and 579, p. 78, n. 11.

CERTIFICATE OF SERVICE

I certify that the foregoing was filed through the Court's CM/ECF system on December 9, 2021, and the following counsel for the United States have received notice and been served through that system.

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